

National Origin Discrimination

1. As stated in Title VI, “**no person**” shall be discriminated against on the basis of race, color or national origin. “Persons” who are considered LEP are specifically covered under “National Origin Discrimination”. While LEP individuals have been protected by Title VI since its enactment (41 years ago), we neglect and in some instances refuse to abide by what we agree to do when we accepted federal or state assistance.
2. As a consequence, on August 9, 2000, President Clinton signed Executive Order 13166 to further clarify and confirm the governments commitment to Title VI and to ensure that LEP individuals are afforded full and equal participation in all programs, services, and activities in a **meaningful** manner when federal assistance is extended to the public sector (state or local government), or to private-for-profit and non-profit sectors.
3. U.S.DHHS, USDA, and U.S.DOL LEP guidance further clarify what recipients of federal assistance must do in order to ensure that LEP individuals are provided full and meaningful access to all programs, services and activities.
4. These LEP guidance apply to all entities receiving federal assistance regardless of source.
5. Entities receiving federal assistance from other federal agency other than HHS, USDA, DOL must follow the guidance published by those other federal agencies.
6. Furthermore, while the courts have not addressed the scope of “**person**” as the term is used in Title VI, the **Supreme Court** has however, addressed this term in the context of challenges brought under the **Fifth** and **Fourteenth Amendments**. See, Mathews vs. Diaz, 426 U.S. 67 (1976) and Plyler vs. Doe, 457 U.S. 202 (1982). In these two cases, the **Supreme Court** has held that **undocumented aliens are considered “persons”** under the equal protection and due process clauses of the **Fifth** and **Fourteenth** Amendments. Plyler, supra, 457 U.S. at 210-211; Mathews, supra, 426 U.S. at 77